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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MARLON BROOKS

CIVIL ACTION NO. 1:09CV1067

VERSUS

JUDGE DRELL

WARDEN DWCC

MAGISTRATE JUDGE KIRK

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

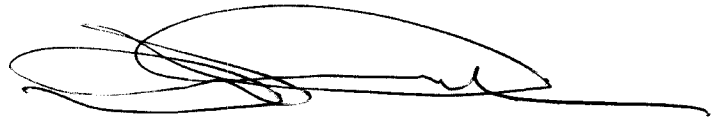
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The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

 The certificate of appealability is GRANTED for the below reasons:

The applicant has made a substantial showing that the following issues constitute a denial of a constitutional right:

Signed at ALEXANDRIA, Louisiana, this 3RD day of November, 2009.



Dee D. Drell
UNITED STATES DISTRICT JUDGE